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Leonard Ciprian Mosescu

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EXAMINER

COLAN, GIOVANNA B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/722,987	Applicant(s) MOESCU, LEONARD CIPRIAN	
	Examiner GIOVANNA COLAN	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 – 7, 10 – 12, 25 – 28, and 30 – 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 – 7, 10 – 12, 25 – 28, and 30 – 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant filed request for continued examination (RCE) on 06/11/2008.
2. Claim 25 has been amended. Claims 37 – 43 were added. Claims 8 – 9, 13 – 24, 29, and 33 were canceled.
3. Claims 1 – 7, 10 – 12, 25 – 28, and 30 – 32 are pending in this application.
4. Newly submitted claims 37 – 43 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

I. Claims 1 – 7, 10 – 12, 25 – 28, 30 – 32, and 34 – 36, drawn to query processing (searching), classified in class 707, subclass 3.

II. Claims 37 – 43, drawn to pattern matching, classified in class 707, subclass 6.

Inventions **I**, **II** are related as subcombination and subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention **I** has separate utility such as query processing by searching data in an electronic device; invention **II** has separate utility such as pattern matching by recognizing a string of alphabets entered into a limited input keypad. Each of the two inventions does not require the particulars of the remaining inventions.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 37 – 43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 7, 10 – 12, 25 – 32, and 34 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green (US Patent App. Pub. No. 2002/0129012 A1, published: September 12, 2002), in view of Beach et al. (Beach hereinafter) (US 2003/0014753 A1), and further in view of Peter J. Tsakanikas (Tsakanikas hereinafter) (US 4,427,848).

Regarding Claim 1, Green discloses a method for searching data in an electronic device comprising:

storing a plurality of first character strings and corresponding second character strings (Page 1, [0005], lines 4 – 7, Green¹);

receiving a query (Page 2, [0024], lines 7 – 10, Green); and

searching the stored character strings responsive to the query by receiving a character (Page 1, [0005], lines 1 – 4, Green), appending said character to previously received characters if any (Page 6, [0050], lines 14 – 17, Green²; and also see Page 6, [0046], “Similar sections of rows CHAR.sub.2 to CHAR.sub.m are then **loaded in succession and combined** with R in logical AND operations (steps 136, 138).”, Green), performing a prefix search of received characters on the stored second character strings (Page 3, [0032], lines 8 – 11, Green; and also see Page 6, [0048], “**The string comparison module 36... In an exact match search**, the word number set is in fact reduced to only a few words (sometimes just a single word) **that begin**

¹ Wherein the words correspond to the first character string claimed; and the identifying number corresponds to the second character strings claimed.

² Wherein the step of including and adding corresponds to the step of appending as claimed.

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with the same character, use the same character set, and have the same length as the search string. The comparisons can be performed in a conventional manner according to the type of search specified.”, Green), and returning a set of first character strings stored with the second character strings that match the prefix search (Page 3, [0032], lines 8 – 19, Green),

wherein receiving the character comprises receiving input from an input device (Page 2 and 4, [0024] and [0036], lines 7 – 10 and 22 – 25, the computer 12; respectively, Green), and

determining the character from a set of characters that corresponds to the received input (Page 2, [0026], lines 4 – 10, word number sets are generated for each term in the query, Green).

Green also discloses: the input device, and unique subset of an alphabet (Page 2, [0026], lines 1 – 10, “and associates each word with a unique identifying number...The word number sets are ultimately passed to a document retrieving module 38 that accesses a document look-up table 28, stored with lexicon 22 on disk 18, whose function is to relate word numbers to documents containing the associated words”, Green). However, Green does not explicitly disclose that the input device comprises a keypad. On the other hand, Beach discloses that: the input device comprises a keypad (Page 1, [0009], lines 5 – 10, Beach).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Beach’s teachings with respect to using a keypad as the input device to the system Green. Skilled artisan would have been

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motivated to do so, as suggested by Beach (Page 1, [0009], lines 9 – 13, Beach), to provide a type-ahead feature, so that search terms may be rapidly located in the appropriate index simply by entering one or more of the leading characters of the search terms. In addition, both of the references (Green and Beach) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, prefix search, and matching. This close relation between both of the references highly suggests an expectation of success.

The combination of Green in view of Beach (Green/Beach hereinafter) discloses all the limitations discussed above. However, Green/Beach does not explicitly disclose that such input device comprises a keypad having at least one alphanumeric key associated with a unique number and a unique subset of an alphabet. On the other hand, Taskanikas discloses input device comprises a keypad having at least one alphanumeric key associated with a unique number and a unique subset of an alphabet (Fig.1, item 12, Col. 4, lines 16 – 24, Taskanikas). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Taskanikas's teachings to the system of Green/Beach. Skilled artisan would have been motivated to do so, as suggested by Taskanikas, to lessen the chance of miskeying a character lessen the chance of miskeying a character, to provide proper and adequate feedback to the user as the information is entered (Col. 3, lines 10 – 15, Taskanikas), to translate data entered using only one of a number of different translation techniques, and to provides a voice synthesized feedback signal to the user after entry of each character (Col. 3, lines 40 – 45, Taskanikas).

Regarding Claim 2, the combination of Green in view of Beach and further in view of Taskanikas (Green/Beach/Taskanikas) discloses a method, further comprising receiving one of the first character strings (Page 1, [0005], lines 13 – 14, in response to a search string, Green), and generating the corresponding second character string (Page 1, [0005], lines 15 – 18, set of characters from the search string, Green).

Regarding Claim 3, Green/Beach/Taskanikas discloses a method, wherein the receiving the first character string comprises:

(A) receiving an input character (Page 1 and 6, [0005] – [0050], lines 13 – 14 and 6 – 8, the bit pattern; respectively, Green);

(B) appending said input character to previously received input characters if any (Page 6, [0050], lines 14 – 17, the 1 – bit is included in the converted version, Green);

(C) repeating steps (A) and (B) for each additional character received (Page 6, [0049], lines 1 – 3, Green³).

Regarding Claim 4, Green/Beach/Taskanikas discloses a method, wherein generating the second character string comprises:

mapping a first set of characters to a second set of characters (Page 4, [0034], lines 5 – 7, Green); and

³ Wherein the step of processing multiple words implies that the steps are repeated as claimed.

building the second character string from the second set of characters using the mapping and the first character string (Page 4, [0034], lines 1 – 5, appropriate values can be selected by mapping, Green).

Regarding Claim 5, Green/Beach/Taskanikas discloses a method, wherein each of the characters in the second set of characters is a number associated with a corresponding alphanumeric key on the keypad of the input device (Page 2, [0026], lines 1 – 10, “and associates each word with a unique identifying number...The word number sets are ultimately passed to a document retrieving module 38 that accesses a document look-up table 28, stored with lexicon 22 on disk 18, whose function is to relate word numbers to documents containing the associated words”, Green; and Page 1, [0009], lines 5 – 10, Beach), and each of the characters in the first set of characters corresponds to a letter of the alphabet (Page 4, [0036], lines 18 – 22, Green).

Regarding Claim 6, Green/Beach/Taskanikas discloses a method, further comprising storing the mapping as a table (Page 4, [0034], lines 7 – 10, Green).

Regarding Claim 7, Green/Beach/Taskanikas discloses a method, wherein the storing as a table comprises:

storing each of the characters in the second set of characters in a respective row in a first column of the table (Fig. 4, item 22, “1”, Page 3, [0031], lines 8 – 12, Green);
and

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storing an associated subset of characters of the first set of characters in a respective row in a second column of the table (Fig. 4, item 22, “and” , Page 3, [0031], lines 25 – 29, adjacent columns of the character look-up table, Green).

Regarding Claim 10, Green/Beach/Taskanikas discloses a method, further comprising repeating the steps (Page 6, [0049], lines 1 – 3, Green⁴) of appending (Page 6, [0050], lines 14 – 17, the 1 – bit is included in the converted version, Green), performing a prefix search, and returning the set, in response to receiving a further character (Page 3, [0032], lines 8 – 19, Green).

Regarding Claim 11, Green/Beach/Taskanikas discloses a method, wherein returning the set of first character strings comprises displaying the set of first character strings corresponding to the second character strings that match the prefix search on a display device (Page 3, [0032], lines 8 – 19, Green; and Page 1, [0018], lines 14 – 21, Beach).

Regarding Claim 12, Green/Beach/Taskanikas discloses a method, further comprising:

receiving a first character string selection of the set of first character strings shown on the display device (Page 1, [0005], lines 4 – 7, Green⁵); and

⁴ Wherein the step of processing multiple words implies that the steps are repeated as claimed.

⁵ Wherein the words correspond to the first character string claimed.

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displaying the set of character strings stored with the first character string selection on a display device (Page 3, [0032], lines 8 – 19, Green; and Page 1, [0018], lines 14 – 21, Beach).

Regarding Claim 25, Green/Beach/Taskanikas discloses a data searching system, comprising:

an input device for receiving a query through a limited input keypad Fig. 1, item 12, Page 2, [0024], lines 4 – 7, Green; and Page 1, [0009], lines 5 – 10, Beach);

a storage device for storing a plurality of first character strings and corresponding second character strings (Fig. 1, item 18, Page 2, [0024], lines 4 – 7, Green); wherein each of the second character strings is a number associated with a corresponding alphanumeric key on the keypad of the input device, and each of the first character strings corresponds to a unique subset of an alphabet associated with the corresponding alphanumeric key (Page 2, [0026], lines 1 – 10, “and associates each word with a unique identifying number...The word number sets are ultimately passed to a document retrieving module 38 that accesses a document look-up table 28, stored with lexicon 22 on disk 18, whose function is to relate word numbers to documents containing the associated words”, Green; and Page 4, [0051], lines 1 – 3, Beach);

a display device for displaying a set of character strings (Page 1, [0018], lines 14 – 21, Beach); and

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a processor for searching the stored character strings responsive to the query by receiving a character (Page 7, [0055], lines 12 – 15, Green), appending said character to previously received characters if any (Page 6, [0050], lines 14 – 17, the 1 – bit is included in the converted version, Green), performing a prefix search of received characters on the stored second character strings (Page 3, [0032], lines 8 – 11, Green), and providing to the display a set of character strings stored with the second character strings that match the prefix search (Page 3, [0032], lines 8 – 19, Green; and Page 1, [0018], lines 14 – 21, Beach).

Regarding Claim 26, Green/Beach/Taskanikas discloses a system, wherein the processor receives the first character strings from the input device (Page 1, [0005], lines 13 – 14, in response to a search string, Green), and generates the second character strings corresponding to the first character strings (Page 1, [0005], lines 15 – 18, set of characters from the search string, Green).

Regarding Claim 27, Green/Beach/Taskanikas discloses a system, wherein the processor is adapted to receive the first character string by

- (A) receiving an input character (Page 1 and 6, [0005] – [0050], lines 13 – 14 and 6 – 8, the bit pattern; respectively, Green);
- (B) appending said input character to previously received input characters if any (Page 6, [0050], lines 14 – 17, the 1 – bit is included in the converted version, Green); and

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(C) repeating steps (A) and (B) for each additional character received (Page 6, [0049], lines 1 – 3, Green⁶).

Regarding Claim 28, Green/Beach/Taskanikas discloses a system, wherein the processor generates the second character strings by mapping a first set of characters to a second set of characters (Page 4, [0034], lines 5 – 7, Green), and building the second character string from the second set of characters using the mapping and the first character string (Page 4, [0034], lines 1 – 5, appropriate values can be selected by mapping, Green).

Regarding Claim 30, Green/Beach/Taskanikas discloses a system, wherein the storage device comprises a table for storing the mapping (Page 4, [0034], lines 7 – 10, Green).

Regarding Claim 31, Green/Beach/Taskanikas discloses a system, wherein the table comprises:

a respective row in a first column of the table for storing each of the characters in the second set of characters (Fig. 4, item 22, “1”, Page 3, [0031], lines 8 – 12, Green);
and

⁶ Wherein the step of processing multiple words implies that the steps are repeated as claimed.

a respective row in a second column of the table for storing an associated subset of characters of the first set of characters (Fig. 4, item 22, “**and**”, Page 3, [0031], lines 25 – 29, adjacent columns of the character look-up table, Green).

Regarding Claim 32, Green/Beach/Taskanikas discloses a system, wherein the processor determines the character from a set of characters that corresponds to the received input (Page 7, [0055], lines 10 – 12, Green).

Regarding Claim 34, Green/Beach/Taskanikas discloses a system, wherein the processor repeats the steps (Page 6, [0049], lines 1 – 3, Green⁷) of appending (Page 6, [0050], lines 14 – 17, the 1 – bit is included in the converted version, Green), performing a prefix search, and returning the set, in response to receiving a further character (Page 3, [0032], lines 8 – 19, Green).

Regarding Claim 35, Green/Beach/Taskanikas discloses a system, wherein the display device displays the set of first character strings corresponding to the second character strings that match the prefix search (Page 3, [0032], lines 8 – 19, Green; and Page 1, [0018], lines 14 – 21, Beach).

⁷ Wherein the step of processing multiple words implies that the steps are repeated as claimed.

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Regarding Claim 36, Green/Beach/Taskanikas discloses a system, wherein the input device receives a first character string selection of the set of first character strings shown on the display device (Page 1, [0005], lines 4 – 7, Green⁸; and Page 1, [0018], lines 14 – 21, Beach), and the display device displays the set of character strings stored with the first character string selection (Page 3, [0032], lines 8 – 19, Green; and Page 1, [0018], lines 14 – 21, Beach).

⁸ Wherein the words correspond to the first character string claimed.

Response to Arguments

1. With respect to the combination of Green/Beach and further in view of Tsakanikas, applicant argues that; “the rejection fails to satisfy the criteria necessary to establish a prima facie case of obviousness”.

Examiner respectfully disagrees. The examiner points out to MPEP 2142; “The Supreme Court in KSR International Co. v. Teleflex Inc., 550 U.S. ___, ___, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

EXEMPLARY RATIONALES

Exemplary rationales that may support a conclusion of obviousness include:

(A) Combining prior art elements according to known methods to yield predictable results;

(B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way;

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

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(E) “ Obvious to try ” – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

(F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;

(G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.”

In this case, the Tsakanikas reference provides such motivation and suggestion: to lessen the chance of miskeying a character (Col. 3, lines 15 – 19, Taskanikas), to provide proper and adequate feedback to the user as the information is entered (Col. 3, lines 10 – 15, Taskanikas), to translate data entered using only one of a number of different translation techniques, and to provides a voice synthesized feedback signal to the user after entry of each character (Col. 3, lines 40 – 45, Taskanikas).

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. In response to applicant's argument that "Applicant respectfully asserts that one of ordinary skill in the art would not be reasonably motivated to replace a lexicon with a keypad. Consequently, the Office action assertion justifying the combination of Tsakanikas with Green/Beach appears unreasonable and illogical. It may be also pertinent in this matter to draw attention to the fact that it is legally impermissible to use hindsight gained from Applicant's own disclosure. In addition, Tsakanikas's alphanumeric key structure (e.g., one which associates the number '2' with the alphabet subset 'abc,' or the number '9' with the alphabet subset 'wxy') would be incompatible with Green's invention. Drawing attention to Green's Figs. 4- 6, it can be seen that substituting the numeric value '2' for the alphabet 'a' (or 'b' or 'c') will not be appropriate and therefore the combination of Tsakanikas with Green fails to provide a reasonable expectation of success ", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

4. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon

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hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

5. Applicant argues; “the combination of references fails to disclose o suggest ‘receiving a character. Appending said character to previously received characters if any,’ followed by a prefix search of received characters’.”

Examiner respectfully disagrees. Green/Beach/Taskanikas does disclose the claimed limitation: appending said character to previously received characters if any (Page 6, [0050], lines 14 – 17, Green⁹; and also see Page 6, [0046], “Similar sections of rows CHAR.sub.2 to CHAR.sub.m are then **loaded in succession and combined** with R in logical AND operations (steps 136, 138).”, Green), performing a prefix search ... (Page 3, [0032], lines 8 – 11, Green; and also see Page 6, [0048], “**The string comparison module 36... In an exact match search**, the word number set is in fact reduced to only a few words (sometimes just a single word) **that begin with the same character**, use the same character set, and have the same length as the search string. The comparisons can be performed in a conventional manner according to the type of search specified.”, Green).

⁹ Wherein the step of including and adding corresponds to the step of appending as claimed.

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
August 30, 2008

***/Jean M Corrielus/
Primary Examiner, Art Unit 2162***

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